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FILED
Clerk
District Court

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For The Northern Mariana Islands
By _____
(Deputy Clerk)

Attorneys for the Commonwealth of the
Northern Mariana Islands Defendants

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,)	CIVIL ACTION NO. CV 99-0017
)	
Plaintiff,)	
)	
v.)	QUARTERLY STATUS REPORT
)	FOR THE PERIOD ENDING
COMMONWEALTH OF THE)	OCTOBER 1, 2006
NORTHERN MARIANA ISLANDS,)	
GOVERNOR OF THE NORTHERN)	
MARIANA ISLANDS,)	
COMMISSIONER OF THE)	
DEPARTMENT OF PUBLIC)	
SAFETY, SECRETARY OF THE)	
DEPARTMENT OF LABOR AND)	
IMMIGRATION, SECRETARY OF)	
THE DEPARTMENT OF)	
COMMUNITY AND CULTURAL)	
AFFAIRS,)	
)	
Defendants.)	
)	

Background

[1] The Consent Decree requires the Defendants to periodically transmit status reports. The Court Order of March 26, 2003 specified that status reports be filed, beginning on July 1, 2003 on a quarterly basis. Quarterly reports for the period ending July 1, 2003, October 1, 2003, January 1, 2004, May 1, 2004, July 1, 2004, October 1, 2004, January 1, 2005, April 1, 2005,

July 1, 2005, October 1, 2005, January 1, 2006, April 1, 2006, and July 1, 2006 were timely filed with the Court and US Department of Justice.

History and Progress

[2] The Consent Decree was executed on February 25, 1999. Following a period of nearly four years, the parties reviewed the status of the Consent Decree. Concerns arose about the focus and reporting of compliance efforts. To address these concerns and improve future performance, the Commonwealth proposed a change in reporting from reporting once every six months to once per quarter. Later the Commonwealth implemented a change to the holding status of the Tinian Detention Facility to limit detention downward from the previously authorized period of 48 hours to a maximum of 16 hours. This reduction in detention time reflected concerns about conditions at the Tinian Detention Facility. The maximum 16-hour period remains in effect pending renovation of the facility.

[3] The old juvenile detention facility has been closed and the new Kagman Facility opened for operations in the spring of 2004¹. It has consistently operated in substantial compliance with provisions of the Consent Decree. The population has generally averaged about 7 juveniles per day, substantially below the facility's rated capacity of 40.

[4] In coordination with the US Department of Justice, the old Immigration Detention Facility was closed and temporarily relocated to the Kagman Facility. Civil detainees are now housed at the Susupe Facility.

[5] A new adult correctional facility has been constructed at an investment of approximately \$23M. It is now substantially completed. Occupancy is planned for spring 2007².

¹ Notwithstanding substantial compliance of the Kagman Facility for a period in excess of one year, the current plan of the Commonwealth is to seek overall closure of the Consent Decree after the new prison is fully operational.

² Evaluation of the new prison construction, operating systems and maintenance is a critical priority during the next quarter. A report from DPW engineer Brian Smith is pending receipt and will be shared with the US Department of Justice.

Current Quarterly Report

[6] During this quarter, the Prison Working Group³ has continued review of activities covering the range of issues related to the Consent Decree: existing prison operations, transition to new prison facility, juvenile facility operations, VOI-TIS grant management to address needed renovation at the Rota Detention Facility and Tinian Detention Facility.

[7] During this quarter, the Governor appointed Ramon C. Mafnas as Senior as the Acting Secretary of Corrections. Mr. Mafnas is pending confirmation by the CNMI Senate. Mr. Mafnas has served in various senior policy roles since the transition to the new administration and continues as a member of the Prison Working Group.

[8] During this quarter, former Congressman Claudio K. Norita has ended his service as the Acting Executive Director of the CNMI Criminal Justice Planning Agency (CJPA). A new appointment to this position is pending action by the Governor.

Department of Corrections⁴

[9] The population of the Department of Corrections has continued recent declines and had a typical range of 108 – 124 during the quarter.

[10] At the August 30, 2006 Prison Working Group meeting, the DOC staffing plan was reviewed to ensure that fiscal support will ensure that the staffing level will be at least equal to that identified in the October, 2005 plan.

[11] Issues identified during the last quarterly report have been followed up during this reporting period. These include:

³ Members include: Edward Buckingham, Consent Decree Coordinator, the CNMI Attorney General Matthew T. Gregory, Ramon C. Mafnas, Acting Secretary of the Department of Corrections, Jun Avila Office of Management and Budget, Marlene Cruz, Office of Personnel Management, [pending] Executive Director, Criminal Justice Planning Agency, Department of Public Works Brian Smith, Jesse Sablan and Arthur Camacho, DCCA Deputy Secretary Melvin Faisao.

⁴ Information on the Department of Corrections is attached hereto.

- Medical Care: An executed memorandum of agreement has been completed between the DOC and the Commonwealth Department of Public Health. A copy of the signed MOA is attached. Pursuant to its terms, the Department of Public Health has directly assumed responsibility to “provide medical and mental health services for individuals in the custody of the Department of Corrections in a manner consistent with the requirements of the Consent Decree.” Pursuant to the agreement, quarterly reports “reflecting services delivered, compliance with provisions of the Consent Decree and such other information as may be appropriate” will be prepared⁵.
- Safe Refuge Area: During this quarter, a new safe refuge area has been designated for the existing prison facility.
- Food Service: The DOC has continued catering services. Monitoring quality of food service will continue to be a focus during the current quarterly period.

Division of Youth Services⁶

[12] The population housed in the Kagman Facility continues to average 6 or 7⁷. Overall, the facility continues to operate in substantial compliance with requirements of the Consent Decree⁸.

[13] During this quarter steps have been taken to increase the staffing level for the Kagman Facility. While staffing has improved, it has not yet reached the required level of twenty-four (24) staff. Further monitoring and reporting will continue until this issue is resolved.

⁵ Since the agreement was finalized shortly before preparation of this quarterly report, the first medical quarterly report will be transmitted with the January 1, 2007 quarterly report.

⁶ Information on the Division of Youth Services is attached hereto.

⁷ There are periodic weekend arrests that result in an increase to 15 – 17. However, the juveniles involved are typically released from custody in a matter of a day or two and do not remain within the Kagman Facility.

⁸ During this quarter, an individual sought entry to the Kagman Facility indicating to the Acting Administrator of the Division of Youth Services that he was a “Consent Decree Inspector” and would notify “the feds” of problems. Review of this entry found that the individual is an employee of Northern Marianas Protection and Advocacy Systems, Inc. (NMPASI). A letter from Attorney General Matthew T. Gregory to the NMPASI Board of Directors was sent to review this matter and ensure that a similar occurrence does not happen in the future.

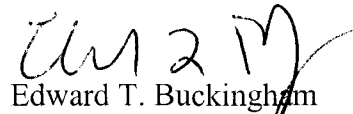
VOI-TIS GRANT / RENOVATION OF ROTA AND TINIAN FACILITIES

[14] A contract award to renovate the Rota Detention Facility and the Tinian Detention Facility is pending final approval. Once finalized, the contract will be forwarded to the Department of Justice for information coordination purposes..

CONCLUSION

[15] Information related to facility operations during this reporting period is attached. The CNMI intends to continue its progress and efforts to maintain and improve compliance with the Consent Decree and, at an appropriate time, seek closure of the case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. T. Buckingham", is written over the printed name.

Edward T. Buckingham
Consent Decree Coordinator / Attorney for Defendants

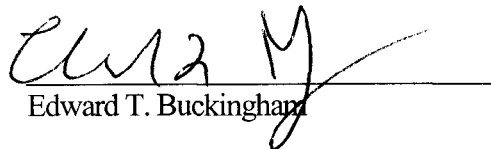
Certificate of Service

The undersigned hereby certifies that the US Postal Service sent a true and correct copy of this STATUS REPORT including all attached exhibits to the following:

Laura L. Coon, Trial Attorney
Special Litigation Section – PHB
950 Pennsylvania Avenue N.W.
Washington, DC 20530

DATED: October 2, 2006

By:


Edward T. Buckingham